

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HO KEUNG TSE,

*Plaintiff,*

V.

EBAY, INC., UBID INC., AMERICA,  
ONLINE INC., and TEXAS GLAMOUR  
PUBLICATIONS

*Defendants.*

CIVIL ACTION NO. 2:09-cv-00380-TJW

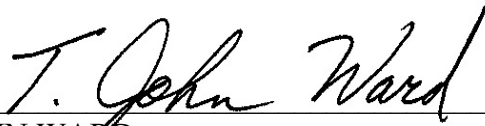
## ORDER

Before the Court are Defendants’ Motion to Transfer Venue (Dkt. No. 27) and Plaintiff’s Motion to Withdraw Opposition to Defendants’ Motion to Transfer Venue (Dkt. No. 57). The Court, having considered the venue motion and Plaintiff’s motion to withdrawal opposition to this motion, GRANTS the motion to transfer venue for Defendants to the United States District Court for the Northern District of California pursuant to 28 U.S.C. § 1404(a). The balance of the private and public factors demonstrates that the transferee venue is “clearly more convenient” than the venue chosen by Plaintiff Ho Keung. *See In re Volkswagen of Am., Inc.* (“*Volkswagen III*”), 566 F.3d 1349 (Fed. Cir. 2009); *In re Genentech, Inc.*, 566 F.3d 1338 (Fed. Cir. 2009); *In re TS Tech USA Corp.*, 551 F.3d 1315 (Fed. Cir. 2008); *In re Volkswagen of Am., Inc.* (“*Volkswagen II*”), 545 F.3d 304 (5th Cir. 2008) (en banc). Plaintiff confirms this conclusion by noting that “transferring to Northern District of California would benefit Plaintiff by reducing the number of future Court Conferences, and the expenditure for attending the same, as Plaintiff already has an infringement

action there.” (Dkt. No. 57.) Therefore, the Court GRANTS Defendants’ Motion to Transfer Venue to the Northern District of California and GRANTS Plaintiff’s Motion to Withdraw Opposition to Defendants’ Motion to Transfer Venue. The Status Conference scheduled on February 16, 2011, and the initial case management conference scheduled on March 18, 2011, are cancelled.

It is so ORDERED.

SIGNED this 15th day of February, 2011.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE